

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: DOMESTIC DRYWALL
ANTITRUST LITIGATION**

**MDL No. 2437
13-MD-2437**

**THIS DOCUMENT RELATES TO:

ALL DIRECT PURCHASER ACTIONS**

**DIRECT PURCHASER PLAINTIFFS' RENEWED MOTION FOR
AUTHORIZATION TO UTILIZE A PORTION OF THE USG AND TIN
SETTLEMENT FUNDS FOR ONGOING LITIGATION EXPENSES**

Settlement Class Counsel for the Direct Purchaser Plaintiffs ("Settlement Class Counsel") respectfully submit this renewed motion for authorization to utilize a portion of the funds from the TIN Settlement and the USG Settlement to pay ongoing litigation expenses that have been incurred or will be incurred.¹ Settlement Class Counsel previously requested authorization to utilize \$2,500,000.00 from the Settlement Funds for that purpose and provided Settlement Class Members with notice of that request in spring 2015. *See, e.g.*, Direct Purchaser Plaintiffs' Motion for Final Approval of Settlements with TIN, Inc. and USG Corporation, United States Gypsum Company, and L&W Supply Corporation and Request for Authorization to Utilize Up to \$2,500,000 of the Settlement Funds for Ongoing Litigation Expenses (Doc. No. 218) and Exhibit 3 thereto (Doc. No. 218-4). There were no objections to Settlement Class Counsel's request.

In its August 20, 2015 Order re DPP Settlement Class Counsel's Request to Utilize Settlement Funds for Ongoing Litigation Expenses, this Court partially granted Settlement Class Counsel's request, authorizing the use of \$1,811,896.00 to pay outstanding expert costs that had

¹ As before, any portion of the Settlement Funds approved by the Court to be utilized for ongoing litigation expenses will not be used to reimburse Interim Co-Lead Class Counsel for any payments previously made.

been incurred but not yet paid. *See* Doc. No. 275. As ordered, those outstanding expert costs were paid proportionately from the TIN and USG Settlement Funds such that \$213,763.01 from the TIN Settlement Fund was utilized and \$1,598,132.99 from the USG Settlement Fund was utilized. In its Order, this Court stated that “[a]fter the Court rules on the pending summary judgment motions, and if this case then proceeds against one or more remaining Defendants, Counsel may reapply for permission to use more of the settlement funds for litigation expenses.” *Id.*

This Court has since denied the summary judgment motions filed by four of the five then-remaining Defendants. *See* Order dated February 18, 2016 (Doc. No. 352). Consequently, Settlement Class Counsel request that the Court permit the use of \$688,104.00 from the Settlement Funds (the balance of the original \$2,500,000.00) for ongoing litigation expenses, including expert services relating to class certification and trial preparation. As before, said funds would be paid proportionately from the TIN and USG Settlement Funds (\$81,180.81 from the TIN Settlement Fund; \$606,923.19 from the USG Settlement Fund).

Dated: March 15, 2016

Respectfully Submitted,

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Settlement Class Counsel for the Direct Purchaser Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2016, Direct Purchaser Plaintiffs' Renewed Motion for Authorization to Utilize a Portion of the USG and TIN Settlement Funds for Ongoing Litigation Expenses was served upon all counsel of record *via* ECF.

/s/ Jeffrey J. Corrigan

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